



Entered on Docket  
February 25, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler  
United States Bankruptcy Judge

**WILDE & ASSOCIATES**

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The Bank of New York Mellon, fka The Bank of New York as Successor in interest to JP Morgan Chase Bank NA as Trustee for Structured Asset Mortgage Investments II Inc. Bear Stearns ALT-A Trust 2005-5, Mortgage Pass-Through Certificates, Series 2005-5  
09-77602

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In Re:

Jared P. Dimitt and Theresa A. Dimitt

Debtors

BK-09-29022-lbr

Date: 2/9/2010  
Time: 10:30 am

Chapter 13

**ORDER VACATING AUTOMATIC STAY**

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the  
2 above-entitled bankruptcy proceedings is immediately vacated and extinguished for all purposes as to  
3 Secured Creditor The Bank of New York Mellon, fka The Bank of New York as Successor in interest  
4 to JP Morgan Chase Bank NA as Trustee for Structured Asset Mortgage Investments II Inc. Bear  
5 Stearns ALT-A Trust 2005-5, Mortgage Pass-Through Certificates, Series 2005-5, its assignees and/or  
6 successors in interest, of the subject property, generally described as 351 Red Eucalyptus Dr,  
7 Henderson, NV 89015, and legally described as follows:  
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9 LOT 22, BLOCK A OF GREENWAY VILLAGE II, AS SHOWN BY MAP THEREOF ON  
10 FILE IN BOOK 118 OF PLATS, PAGE 46, IN THE OFFICE OF THE COUNTY RECORDER  
OF CLARK COUNTY, NEVADA.

11 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give  
12 Debtors at least seven business days' notice of the time, place and date of sale.  
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2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Secured Creditor hereby  
3 withdraws its secured Proof of Claim filed in this matter. The Secured Creditor shall notify the Trustee of  
4 the completion of the foreclosure sale. If applicable, Secured Creditor may thereafter amend its secured  
5 Proof of Claim to an unsecured Proof of Claim no later than forty-five (45) days after the foreclosure sale.

6 DATED this \_\_\_\_ day of \_\_\_\_\_, 2010.

7 Submitted by:

8 **WILDE & ASSOCIATES**

9 By: 

10 **Gregory L. Wilde, Esq.**  
11 Attorney for Secured Creditor  
12 212 South Jones Boulevard  
Las Vegas, Nevada 89107

13 APPROVED / DISAPPROVED

14 By: \_\_\_\_\_

15 **Philip K. Goldstein**  
609 S. 7th Street  
16 Las Vegas, NV 89101  
Attorney for Debtor(s)

17 APPROVED / DISAPPROVED

18 By: \_\_\_\_\_

19 **Kathleen A Leavitt**  
201 Las Vegas Blvd., So. #200  
20 Las Vegas, NV 89101  
Chapter 13 Trustee

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1 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

2 ☐ The court waived the requirements of LR 9021.

3 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

4 ☐ No parties appeared or filed written objections, and the trustee is the movant.

5 ☒ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a  
6 copy of this proposed order to all counsel who appeared at the hearing, and any trustee  
7 appointed in this case, any unrepresented parties who appeared at the hearing, and each has  
8 approved or disapproved the order, or failed to respond, as indicated below:

9 Debtor's counsel:

10 ☐ approved the form of this order ☐ disapproved the form of this order

11 ☐ waived the right to review the order and/or ☒ failed to respond to the document

12 ☐ appeared at the hearing, waived the right to review the order

13 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

14 Trustee:

15 ☐ approved the form of this order ☐ disapproved the form of this order

16 ☐ waived the right to review the order and/or ☒ failed to respond to the document

17 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all  
18 counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented  
19 parties who appeared at the hearing, and each has approved or disapproved the order, or failed to  
20 respond, as indicated below.

21 Debtor's counsel:

22 ☐ approved the form of this order ☐ disapproved the form of this order

23 ☐ waived the right to review the order and/or ☐ failed to respond to the document

24 ☐ appeared at the hearing, waived the right to review the order

25 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

26 Trustee:

☐ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed  
written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor